



April 15, 2003 CPC
May 28, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0215

John D. Hughes

Dale Magisterial District
South line of Beach Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-88) with Conditional Use to permit stock farm use.

PROPOSED LAND USE:

A single family residential subdivision is planned where the keeping of horses on individual lots and within a common equestrian area is permitted (Condition 3 and Proffered Conditions 8 and 9). The applicant has agreed to limit development to no more than fifteen (15) lots yielding a density of approximately 0.2 dwelling units per acre. (Proffered Condition 2)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGES 2 AND 3 AND ACCEPTANCE OF PROFFERED CONDITIONS 1 THROUGH 9 AND 11 THROUGH 14 AND THAT PROFFERED CONDITION 10 NOT BE ACCEPTED.

(NOTE: SINCE THE COMMISSION'S CONSIDERATION OF THIS CASE, PROFFERED CONDITION 10 HAS BEEN WITHDRAWN. FURTHER, AN ADDITIONAL PROFFER, PROFFERED CONDITION 15, WAS SUBMITTED.)

AYES: MESSRS. GECKER, LITTON, CUNNINGHAM AND STACK.
ABSENT: MR. GULLEY.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. Although the request complies with the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning and the equestrian uses, as conditioned, are consistent with the goals of the Plan to preserve the rural character of the area, the applicant has failed to address Transportation Department concerns relative to access to Beach Road.
- B. The recommended conditions are consistent with conditions imposed on requests for stock farms in the vicinity of existing and anticipated residential development and would lessen the potential impact of the stock farm use on area residents.
- C. As conditioned, the proposed zoning and land use are representative of, and compatible with, existing and anticipated area development.
- D. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, the Thoroughfare Plan and the Capital Improvements Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained as necessary to protect the health, safety and welfare of the County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITIONS

- (STAFF)
- 1. All facilities and areas associated with the keeping of stock animals (stables, barns, pastures, exercise grounds, etc.) shall be located a minimum of fifty (50) feet from any adjacent property which is not the subject of this request. (P)

(Staff note: This condition does not supercede the Health Code requirement regarding the setback for these facilities from existing or proposed wells.)

- (CPC)
1. Pasture areas, improved riding trails, exercise grounds or similar facilities shall be located a minimum of ten (10) feet from any adjacent property which is not the subject of this request. This shall not preclude the riding of horses within the ten (10) foot area. Stables, barns or similar structures for the housing of horses shall be located a minimum of fifty (50) feet from any adjacent property which is not the subject of this request. (P)

(Staff Note: This condition does not supercede the Health Code requirement regarding the setback for these facilities from existing or proposed wells.)

- (STAFF/CPC)
2. No retail sales shall be permitted in association with the stock farm use. This shall not include typical yard sales at which used "equestrian" goods may be sold nor the incidental sale of horses. There shall be no horse shows or similar activities conducted on the Property. (P)

- (STAFF/CPC)
3. Location of Equestrian Facilities on Individual Lots. The keeping of horses on individual lots shall be permitted as an accessory use to a residential dwelling which has received either a temporary or final occupancy permit on the lot. Within individual lots, improvements shall be permitted to include, but not be limited to, stables, barns, exercise grounds, and other equestrian facilities. (P)

(Staff Note: This condition replaces Proffered Condition 10.)

PROFFERED CONDITIONS

The Owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Number 763-659-6609 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-88 with Conditional Use is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains one exhibit described as follows:

Exhibit A – Plan titled "Preliminary Plan, 77.96 Acres +/- Parcel, Standing in the Name of John Hughes, Dale District, Chesterfield County, Virginia", prepared by Johnson, Mirmiran & Thompson, dated August 1, 2002, last revised April 2, 2003.

- (STAFF/CPC) 1. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF/CPC) 2. Number of Lots. No more than fifteen (15) single family residential lots shall be developed on the Property. (P)
- (STAFF/CPC) 3. Minimum House Size. All dwelling units shall have a minimum gross floor area of 2000 square feet. (BI)
- (STAFF/CPC) 4. Dedication. Forty-five (45) feet of right-of-way on the south side of Beach Road, measured from the centerline of Beach Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. This dedication shall occur in conjunction with recordation of the initial subdivision plat for the development of the Property. (T)
- (STAFF/CPC) 5. Shoulder Improvement. In conjunction with development of the initial subdivision, a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, shall be constructed along the south side of Beach Road for the entire Property frontage. The developer shall also dedicate to and for the benefit of Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. (T)
- (STAFF/CPC) 6. Access. Direct access from the Property to Beach Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
- (STAFF/CPC) 7. No Access to Morrisett Road. There shall be no access from the Property to Morrisett Road. (T)
- (STAFF/CPC) 8. Equestrian Common Area. The location of the Equestrian Common Area shall be generally as shown on Exhibit A. Within the Equestrian Common Area, improvements shall be permitted to include, but not be limited to, stabling areas, riding rings, and other equestrian facilities. The keeping of horses shall be permitted within the Equestrian Common Area. No retail sales shall be permitted in the Equestrian Common Area. There shall be no horse shows conducted in the Equestrian Common Area. (P)
- (STAFF/CPC) 9. Limitation on Stock Farm Use. Any stock farm use shall be limited to the keeping of horses. (P)

- (WITHDRAWN) 10. Location of Equestrian Facilities on Individual Lots. The keeping of horses shall be permitted on individual lots. Within individual lots, improvements shall be permitted to include, but not be limited to, stables, barns, exercise grounds, and other equestrian facilities. (P)
- (STAFF/CPC) 11. Maintenance. All facilities and areas associated with the keeping of horses shall be cleaned and made free of waste on a regular basis. Methods shall be employed to eliminate any odor problems and the propagation of insects. (P)
- (STAFF/CPC) 12. Manufactured Homes. Manufactured homes shall not be permitted on the Property. (P)
- (STAFF/CPC) 13. Covenant Regarding Manufactured Homes. The following shall be recorded as restrictive covenants in conjunction with recordation of any subdivision plat for the Property: "No manufactured homes shall be allowed to become a residence, temporary or permanent." (P)
- (STAFF/CPC) 14. Cash Proffer. For each single family residential dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$9,000.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2003. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$9,000.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County. (B&M)
- (STAFF) 15. The maximum number of horses per lot shall be one (1) horse per acre. When there is fractional acreage, the number of horses permitted shall be rounded to the next highest whole number. (P)

GENERAL INFORMATION

Location:

South line of Beach Road, west of Gates Bluff Drive. Tax ID 763-659-6609 (Sheet 25).

Existing Zoning:

A

Size:

78 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-15 and A; Single family residential or vacant

South - A; Single family residential or vacant

East - A; Single family residential or vacant

West - A; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the north side of Beach Road, adjacent to the site. In addition, there is a twelve (12) inch water line extending within an easement parallel to the southwestern boundary of this site. Use of the public water system is required by County Code.

Public Wastewater System:

The public wastewater system is not available to serve the request site. This site is within the area designated by the Southern and Western Area Plan where the use of private septic systems is permitted. Use of private septic systems is intended.

Private Septic System:

Prior to recordation of the subdivision plat, the developer must submit soils analysis for each lot to the Health Department for review and approval.

Private Wells:

The Health Code requires all areas where livestock (horses) congregate (i.e. stables, feeding areas, pastures, etc.) be located a minimum of 100 feet from any existing or proposed wells.

ENVIRONMENTAL

Drainage and Erosion:

The property drains to Swift Creek, approximately 4,000 feet to the east. The property is wooded and, as such, should not be timbered without first obtaining a land-disturbance permit from Environmental Engineering (Proffered Condition 1). This will insure that adequate erosion control measures are in place prior to any land disturbance.

There are currently no on- or off-site drainage or erosion problems with none anticipated after development.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities and further detailed by specific departments in the applicable sections of this "Request Analysis."

Fire Service:

The Public Facilities Plan indicates that emergency service calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on fifteen (15) dwelling units, this request will generate approximately six (6) calls for fire and emergency medical services each year. The impact on these facilities has been addressed. (Proffered Condition 14)

The Airport Fire/Rescue Station, Company Number 15, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately eight (8) new students will be generated by this development.

This site lies in the Gates Elementary School attendance zone: capacity – 720, enrollment – 880; Salem Middle School zone: capacity – 1,030, enrollment – 1,212; and Matoaca High School zone: capacity – 1,750, enrollment – 997. Currently there are seven (7) trailers at Gates Elementary School and thirteen (13) at Salem Middle School.

This request will have an impact; however, the developer has addressed the impact on schools in accordance with the Board of Supervisors' policy. (Proffered Condition 14)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even with facility improvements that have been made in the last few years, there is still an unmet need for additional library space throughout the County. Development of the request property would most likely affect the Central Library. The Plan indicates a need for additional space at the Central Library. The impact on library facilities has been addressed. (Proffered Condition 14)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations.

The applicant has offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities consistent with the Board of Supervisors' policy. (Proffered Condition 14)

Transportation:

The property is approximately seventy-eight (78) acres, and is currently zoned Agricultural (A). The applicant is requesting rezoning to Residential (R-88) with a Conditional Use to permit stock farm and equestrian facilities on the property. The stock farm and equestrian facilities are intended to primarily serve the residents of this proposed development. The applicant has proffered that a maximum density of fifteen (15) residential lots will be developed on the property (Proffered Condition 3). Based on single family trip rates, development could generate approximately 150 average daily trips. These vehicles will be distributed along Beach Road, which had a 2003 traffic count of 6,083 vehicles per day.

The Thoroughfare Plan identifies Beach Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of Beach Road, in accordance with that Plan. (Proffered Condition 5)

Staff does not support this request because the applicant is unwilling to commit to locating the access onto Beach Road at the western property line. Access to major arterials, such as Beach Road, should be controlled. The applicant has proffered that direct access from the property to Beach Road will be limited to one (1) entrance/exit (Proffered Condition 6). The proffer allows the Transportation Department to approve its exact location onto Beach Road. However, staff suggested the proffer include language that the Beach Road access will be

located at the western property line, but the applicant is unwilling to make that modification. Gates Bluff Drive, which serves Gates Bluff Subdivision and is located on the north side of Beach Road, intersects Beach Road just east of the subject property. The applicant's Exhibit A shows the location of the existing gravel driveway, which currently serves the subject property, onto Beach Road. The gravel driveway intersects Beach Road approximately 300 feet from the Gates Bluff Drive intersection. This separation between intersections is not adequate for accesses along a major arterial, like Beach Road. Staff recommends that access to the subject property be located at the western property line, which will result in a separation between the intersections of approximately 500 feet. Due to the horizontal alignment of Beach Road, the developer may need to acquire an "off-site" easement(s) to provide adequate sight distance for that access. If the easement is required, the developer will be responsible for acquiring this easement.

A right of way (Morrisett Road) was recorded to the subject property's eastern property line. To address neighbor concerns, the applicant has proffered that no access will be provided from the property to Morrisett Road. (Proffered Condition 7)

The traffic impact of this development must be addressed. The applicant has proffered to provide a seven (7) foot wide unpaved shoulder for the entire property frontage (Proffered Condition 5). Utility poles are located on the south side of Beach Road. In order to provide this improvement to Beach Road, these utility poles must be relocated behind the new ditch.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Beach Road will be directly impacted by development of this property. Sections of this road have twenty-four (24) foot wide pavement with two (2) foot wide shoulders. The capacity of this road is acceptable (Level of Service D) for the volume of traffic it currently carries. The standard typical section for Beach Road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development. (Proffered Condition 14)

Until there is a commitment that the Beach Road access will be located at the western property line, staff cannot support this request.

Financial Impact on Capital Facilities:

		<u>PER UNIT</u>
Potential Number of New Dwelling Units	15*	1.00
Population Increase	40.80	2.72
Number of New Students		
Elementary	3.60	0.24
Middle	1.95	0.13
High	2.55	0.17
TOTAL	8.10	0.54
Net Cost for Schools	72,705	4,847
Net Cost for Parks	10,395	693
Net Cost for Libraries	5,625	375
Net Cost for Fire Stations	6,015	401
Average Net Cost for Roads	61,635	4,109
TOTAL NET COST	156,375	10,425

*Based on a proffered maximum of fifteen (15) lots. (Proffered Condition 14)

The need for schools, parks, libraries, fire stations and transportation facilities in this area identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and the adopted Capital Improvement Program and further detailed by specific departments in the applicable sections of this "Request Analysis."

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 14)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning. The Plan encourages developments to be designed in a manner to protect the rural character of the area.

Area Development Trends:

Surrounding properties are zoned Agricultural (A) and Residential (R-15) and are occupied by single family dwellings within Gates Bluff Subdivision, single family dwellings on acreage parcels or remain vacant. It is anticipated that residential development will continue in this immediate area, consistent with the Plan.

Density/Lot Size:

The applicant has proffered that a maximum of fifteen (15) lots will be permitted within the development yielding a density of approximately 0.2 dwelling units per acre. (Proffered Condition 2)

The Residential (R-88) District requires that each lot contain a minimum of 88,000 square feet, except the minimum area for lots which do not front on a major arterial may be reduced to 65,340 square feet when public water or public sewer are provided. The use of public water is required by County Code for this development. The R-88 District standards provide a calculation to derive the number of reduced-size lots that would be permitted. This calculation permits one-half (1/2) of a unit to the acre for net developable acreage (excluding land areas constituting roads, limits of the base flood areas and resource protection areas, etc.), and includes a bonus provision, or permits additional lots, for land area permanently preserved as open space. The subdivision layout and design, including the minimum lot areas and open space calculations, are reviewed during the subdivision process. As stated above, Proffered Condition 2 limits development of the request property to a maximum of fifteen (15) lots. (Proffered Condition 2)

Dwelling Size:

In response to area citizens' concerns, the applicant has proffered a minimum gross floor area of 2,000 square feet for dwellings. (Proffered Condition 3)

Equestrian Uses:

Proffered Condition 9 limits the stock farm use to the keeping of horses only. As proposed herewith, the keeping of horses would be permitted within the Equestrian Common Area as shown on Exhibit A and on individual lots (Condition 3 and Proffered Condition 8). These conditions clarify the facilities permitted to accommodate the keeping of horses or equestrian

uses and provide that no retail sales or horse shows are permitted within the Equestrian Common Area (Proffered Condition 8). However, Proffered Condition 8, while prohibiting retail sales and horse shows within the Common Equestrian Area, fails to prohibit retail sales and horse shows or similar events in conjunction with the stock farm uses permitted on individual lots. The Commission recommended that Proffered Condition 10 not be accepted and that Condition 3 be imposed to clarify that a house must be located on the property if horses are to be located on the property (Condition 3). Subsequent to the Commission's hearing, the applicant withdrew Proffered Condition 10 and acknowledged acceptance of Condition 3. Condition 2 addresses the prohibition of retail sales and horse events on the entire property. (Condition 2)

To address concerns of area residents expressed after the Commission's hearing, the applicant submitted a proffered condition to limit the number of horses permitted on each individual lot. (Proffered Condition 15)

Proffered Condition 11 requires all facilities and areas associated with the keeping of horses to be cleaned and made free of waste on a regular basis and that methods will be employed to eliminate any odor problems and the propagation of insects (Proffered Condition 11). Further, in an effort to address the impact of any stock farm facilities on the surrounding residential area, a condition is recommended to require any horse-related facilities to be located a minimum of fifty (50) feet from adjacent property which are not part of this request (Condition 1/STAFF). This condition is consistent with conditions imposed on other stock farm requests in the vicinity of existing and anticipated residential development in order to address the potential impact of these facilities on adjacent residential areas. The Commission, however, has recommended a lesser setback for pasture areas, improved riding trails and exercise grounds with a fifty (50) foot setback for other improvements such as barns and stables. (Condition 1/CPC)

Use Limitations:

Proffered Conditions 12 and 13 preclude manufactured homes. The Zoning Ordinance also precludes manufactured homes. The proffer has been offered at the request of the Dale District Commissioner in anticipation of a potential State Law change which may require localities to allow manufactured homes in residential districts. If the State Law is amended, depending upon the adopted language, these proffers may or may not be enforceable in the future. (Proffered Conditions 12 and 13)

CONCLUSIONS

While the request complies with the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning and the equestrian uses, as conditioned, are consistent with goals of the Plan to preserve the rural character of the area, the application fails to address Transportation Department concerns relative to access to Beach Road.

The recommended conditions are consistent with conditions imposed on other requests for stock farms in the vicinity of existing and anticipated residential development and would lessen the potential that in the future the stock farm use will become a nuisance to area residents.

As conditioned, the zoning and land use are representative of, and compatible with, existing and anticipated area development.

Further, the proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for transportation, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, the Thoroughfare Plan and the Capital Improvements Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

Staff cannot, however, support this request unless the Transportation Department's concerns are addressed.

CASE HISTORY

Planning Commission Meeting (4/15/03):

The applicant did not accept staff's recommendation, but did accept the Planning Commission's recommendation.

There were persons present who expressed concerns relative to the amount of setback/buffer that would be provided for adjacent properties; retail sales; and runoff into an off-site pond.

Mr. Litton indicated that the protection for the off-site pond should be addressed through a private agreement.

The concerns relative to setback/buffers and retail sales were addressed by the conditions as recommended by the Planning Commission.

Mr. Litton indicated that the recommended conditions would provide protection for adjacent properties. He indicated that issues related to the location of access to Beach Road should be evaluated during the tentative subdivision plan process at which time more detailed information would be available relative to sight distance and the necessity for off-site easements.

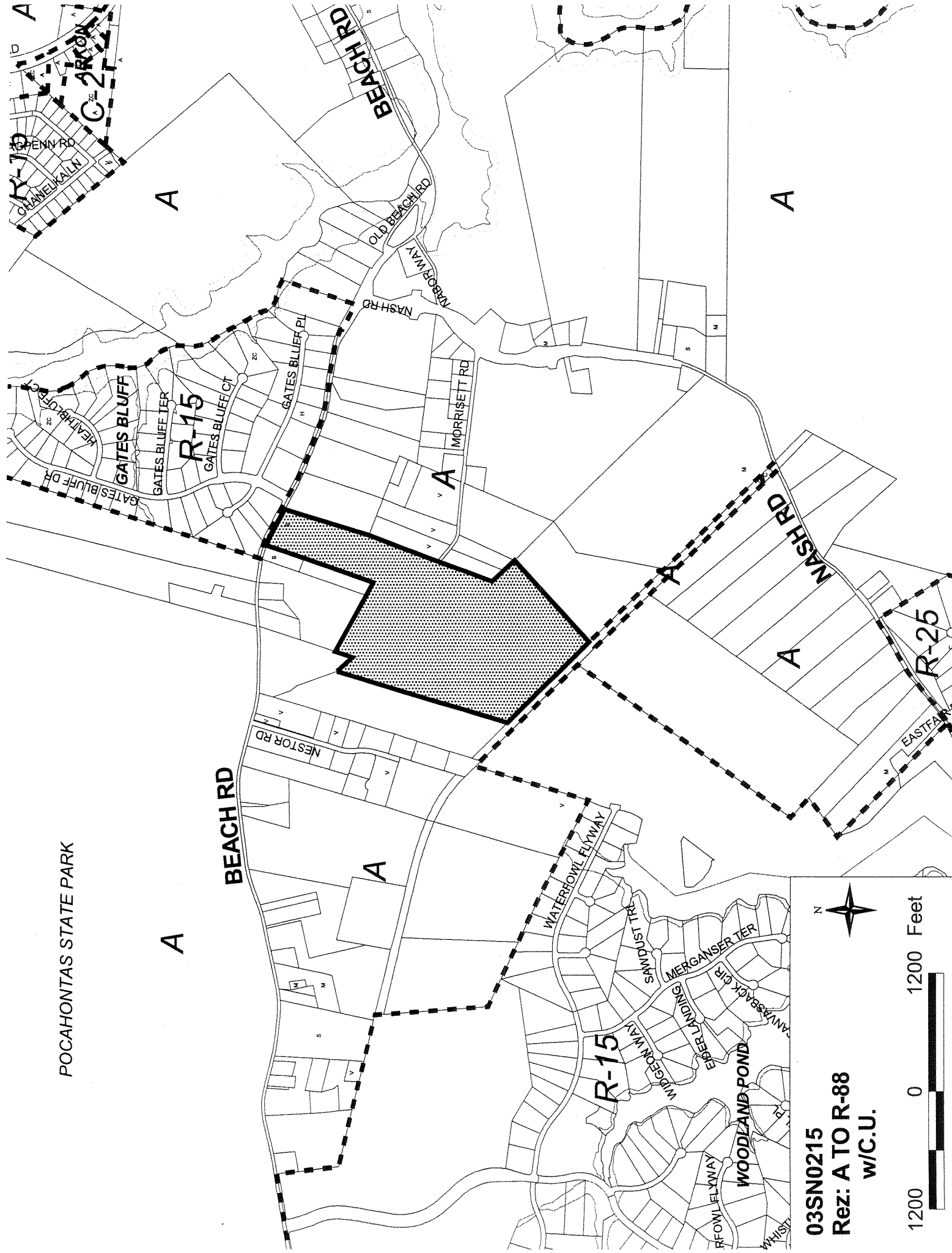
On motion of Mr. Litton, seconded by Mr. Stack, the Commission recommended approval of this request subject to the conditions on page 2, acceptance of Proffered Conditions 1 through 9 and 11 through 14 on pages 3 and 4 and that Proffered Condition 10 not be accepted.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT: Mr. Gulley.

Applicant (5/12/03):

To address concerns of area residents, the applicant submitted an additional proffered condition limiting the number of horses permitted on each lot (Proffered Condition 15). In addition, the applicant withdrew Proffered Condition 10 which the Commission recommended not be accepted.

The Board of Supervisors, on Wednesday, May 28, 2003, beginning at 7:00 p.m., will take under consideration this request.



POCAHONTAS STATE PARK

03SN0215

Rez: A TO R-88
w/C.U.



